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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,868	11/12/2003	Siegfried Blumel	903-016 (TG168 US)	6745
24295	7590	11/02/2005	EXAMINER	
Rodney T. Hodgson, Ph.D. 822 Pines Bridge Rd. Ossining, NY 10562			PAHNG, JASON Y	
			ART UNIT	PAPER NUMBER
			3725	
DATE MAILED: 11/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/706,868

Applicant(s)

BLUMEL ET AL.

Examiner

Jason Y. Pahng

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 22 has been entered.

### ***Claim Objections***

It appears that claim 2 does not add any additional limitations over claim 1. The apparatus of claim 1 comprises a jet mill. The jet mill already comprises an outer casing as claimed in claim 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-8, 10-15, 17, 19, 20, 21, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goto (US 6,196,482) in view of Fay (US 4,056,233).

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With regard to claim 1, Goto discloses a jet mill including:

1. an inner casing (7, 9, 10, 11) having abrasion resistant inner surfaces;
2. the inner casing (7, 9, 10, 11) having an inlet (13) and an outlet (14);
3. the inner casing (7, 9, 10, 11) having an inlet (3) for introducing a propellant fluid;
4. a pressurized fluid filled volume contained between an inner surface (of part 6 near the nozzles 3) of the outer casing (part 6 and top and bottom part covering parts 9 and 10) and the outer surface (of the nozzles 3) of the inner casing (7, 9, 10, 11); and
5. an inner casing (7, 9, 10, 11) having at least one first inlet port for introducing a propellant fluid from a pressurized duct formed by at least one inside wall of the outer casing and at least one outside wall of the inner casing.

Goto does not disclose an annular pressurized duct. In a closely related art, Fay discloses a jet mill with an annular pressurized duct (21a) in order to easily supply pressurized fluid to a plurality of inlet ports. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Goto with an annular pressurized duct in order to easily supply pressurized fluid to a plurality of inlet ports, as taught by Fay.

With regard to claim 2, Goto discloses an outer casing (part 6 and top and bottom part covering parts 9 and 10).

With regard to claims 5, 11, and 19, Goto discloses an inner casing comprising four parts (7, 9, 10, 11).

With regard to claims 6, 7, 12, 13, 20, and 21, Goto discloses an inner casing made of either a single abrasion-resistant material or from different abrasion-resistant materials (column 6, lines 16-21). According to the claims, the invention would perform equally well with an inner casing made of either a single abrasion-resistant material or from different abrasion-resistant materials.

With regard to claims 8 and 17, Goto discloses a smooth abrasion resistant inner surface (Figure 1).

With regard to claim 10, Goto discloses hard metals for the inner surfaces (column 6, lines 16-21).

With regard to claims 14 and 15, Goto discloses air and nitrogen as the propellant fluid (column 6, lines 22-24).

With regard to claim 28, Goto discloses an inner casing assembled in an outer casing. This is a product-by-process claim. In a product-by-process claim, the product may be produced by a different process (MPEP 2113).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goto (US 6,196,482) in view of Fay (US 4,248,387), further in view of Andrews (US 4,248,387). Claim 3 calls for a clamp and a vent. In a closely related art, Andrews discloses a jet mill with a clamp (22) and a vent (62) in order to compress grinding chamber and allow pressure relief. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Goto with a clamp and a vent in order to compress grinding chamber and allow pressure relief, as taught by Andrews.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goto (US 6,196,482) in view of Fay (US 4,248,387) and Andrews (US 4,248,387) as applied above, further in view of Hahn et al. (US 6,726,133). Claim 4 calls for an equalizing film for sealing. In a closely related art pertinent to the problem, Hahn discloses an RD mill with a gasket in order to seal a compressed area (column 6, lines 45-49). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Goto (as modified by Andrews) with a gasket in order to seal a compressed area, as taught by Hahn.

Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goto (US 6,196,482) in view of Fay (US 4,248,387), further in view of Belavsky (US 5,855,326). Claims 9 and 18 call for the abrasion-resistant inner surface to be textured. In a closely related art, Belavsky discloses a jet mill with a textured inner surface in order to provide different grinding conditions (column 4, lines 40-50). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Goto with a textured inner surface in order to provide different grinding conditions, as taught by Belavsky. Additionally, page 7 of the specification discloses that the interior of the pulverizing casing can be of any design.

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

It is noted that all 35 U.S.C. 102 rejections have been withdrawn in view of the amendments.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y. Pahng whose telephone number is 571 272 4522. The examiner can normally be reached on 9:00 AM - 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JYP

  
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